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BEFORE THE
PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 1D-2004-64040

DANIEL GEORGE MUNDORFF, P.T.
P.O. Box 202
Bolivar, PA 15923

A C C U S A T I O N

Physical Therapist No. PT25836,

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell ("Complainant") brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about January 2, 2001, the Physical Therapy Board issued Physical Therapist License Number PT25836 to Daniel George Mundorff ("Respondent"). The Physical Therapist License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2006, unless renewed.

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3. This Accusation is brought before the Physical Therapy Board ("Board"),
 majority of the following sections of the Business and Professions Code ("Code").

4. Section 2660 of the Code states:

The board may, after the conduct of appropriate proceedings under the Procedure Act, suspend for not more than 12 months, or revoke, or impose conditions upon, or issue subject to terms and conditions any license, certificate, or and under this chapter for any of the following causes:

(d) Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist or physical therapy assistant. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.

(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.

5. Section 2239 of the Code provides in relevant part that the use of any of beverages, to the extent, or in such a manner as to be dangerous or injurious to the any other person or to the public, or to the extent that such use impairs the ability to practice medicine safely, or more than one misdemeanor involving the use, or f alcohol constitutes unprofessional conduct.

6. Section 2661.5 of the Code states in relevant part that:

“(a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of investigation and prosecution of the case.”

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime)

[Bus & Prof Code §§ 2660(d), 2660(i) and 2239]

7. Respondent is subject to disciplinary action under sections 2660(d),

1 2660(i) and 2239 of the code in that on or about November 7, 2001, respondent suffered a
2 misdemeanor conviction for a violation of Vehicle Code section 23152(a) (driving a vehicle
3 while under the influence of alcohol or drugs) in Santa Barbara County Superior Court case
4 number 1073145 and was sentenced to serve 22 days in the county jail, ordered to pay a fine of
5 \$1,300.00, ordered to have a suspended driver's license for three years (six months actual
6 suspension), and ordered to attend the First Offender drinking driver program.

7 Respondent was advised by the Board by letter dated July 11, 2002, that
8 "this conviction would be considered in the event of a subsequent conviction."

9 SECOND CAUSE FOR DISCIPLINE
(Conviction of a Crime)
10 [Bus & Prof Code §§ 2660(d), 2660(i) and 2239]]

11 8. Respondent is subject to disciplinary action under sections 2660(d)(i) and
12 2239 of the code in that on or about March 12, 2004, respondent suffered a misdemeanor
13 conviction for a violation of Vehicle Code section 23103.5 (reckless driving, alcohol related) in
14 Santa Barbara County Superior Court case number 1133819.

15 The underlying circumstances are that respondent was stopped in
16 downtown Santa Barbara for expired registration tags on his motorcycle. The Santa Barbara
17 Police Department Officer noticed the odor of an alcoholic beverage on respondent's breath and
18 asked him if he had been drinking. Respondent replied that he had.

19 Respondent was still on probation from his previous DUI conviction
20 which included a "zero tolerance" provision for alcohol while driving. Respondent refused to
21 perform any field sobriety tests, and his subsequent intoxilyzer test established a blood alcohol
22 measure of .09 percent.

23 PRAYER

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein
25 alleged, and that following the hearing, the Physical Therapy Board issue a decision:

26 1. Revoking or suspending Physical Therapist License Number PT25836,
27 issued to Daniel George Mundorff;

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2. Ordering Daniel George Mundorff to pay the Physical Therapy Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5;

3. Taking such other and further action as deemed necessary and proper.

DATED: December 9, 2005.

Original Signed By: _____
STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California

Complainant